IN THE HIGH COURT OF UTTARAKHAND AT NAINITAL

Writ Petition No. 139 (M/S) 2000

Khyali Ram son of Hari Prasad resident of Village Chak-Baherigaon, Post office Bhimtal, Tehsil and District Nainital. ....Petitioner

Versus

1. The Secretary Nainital Lake area Special Area Development Authority, Nainital.
2. The Collector, District Nainital at Nainital (Deleted).

....Respondents

Sri Sanjeev Kumar Shah, learned counsel for the petitioner.
Sri U.K. Uniyal, learned senior advocate assisted by Sri Shobhit Saharia, learned counsel for the respondent No.1.

Hon'ble B.S. Verma , J.

Heard Sri Sanjeev Kumar Shah, learned counsel for the petitioner and Sri Shobhit Saharia, learned counsel for the respondent No.1.

The writ petition has been filed by the petitioner with a prayer to issue a writ in the nature of mandamus restraining permanently the respondent from realizing the aforesaid amount of Rs. 23304.00 (contained in Annexure No.10) from the petitioner.

Learned counsel for the petitioner made a statement at bar that the amount had already been restrained by Authority concerned.

The grievance of the petitioner is that he had already complied with the subsequent order dated 3-6-1997 of Lake Development Authority, Nainital by submitting amended plan, development charges and compounding fees as directed under Government Order dated 18-12-1996.

Learned counsel for the petitioner made a submission while passing impugned order dated 12-4-1999, the authority did not consider the earlier order dated 3-6-1997.

In view of the above fact, the writ petition is disposed of with a direction that the petitioner would be at liberty to move a fresh representation/recall application to the authority concerned for recalling the order dated 12-4-1999. If the representation is moved, the authority concerned i.e respondent No.1 The Secretary Nainital Lake Area Special Area Development, Authority Nainital shall decide the representation/recall application of the petitioner within a period of eight weeks from the date of production of the certified copy of this order.

All applications stands disposed of accordingly.

(B.S. Verma,J.)

Dated: -10-4-2007

M.K.